WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.28840 of 2026

CNR: {HCMA012023272026}

Ragul Sukla

..Petitioner

Vs

The State rep by its, Inspector of Police,
PEW Redhills,
Chennai.
Crime No.83 of 2025

..Respondent

PRAYER: To enlarge the petitioner on bail in C.C.No.1252 of 2025 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and thus render justice.

For Petitioner : Mr.Srikanth Kolla

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side).

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on **20.05.2026** for the alleged offences punishable under Sections **8(c) r/w 20(b)(ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985** in C.C.No.1252 of 2025 on the file of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

2. The case of the prosecution is that on the day of the incident, the respondent police intercepted the petitioner along with other accused person and recovered a total quantity of 20.200 kgs of Ganja from their joint possession. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that out of the total recovery of 20.200 kgs, a specific quantity of 10.100 kgs is attributed to the petitioner (A2). He strongly contends that the contraband seized by the respondent police is a heterogeneous mixture consisting of leaves, stems, and leaf stalks along with flowering tops. He draws the attention of this Court to the order dated **28.08.2026 passed in Crl.O.P.No.17678 of 2026**, wherein under identical facts involving a borderline quantity, this Court enlarged the accused therein on bail.

4. The learned counsel for the petitioner further relies upon the decision of this Court in ***Ganesan v. State (2025)*** and the order of the Hon'ble Supreme Court in ***Rajesh Sahu v. State of Chhattisgarh (2025)***, wherein it has been categorically held that if the flowering or fruiting tops of the cannabis plant are weighed along with stalks, stems, and leaves, the weight of such non-contraband parts must be excluded while computing the actual quantity of Ganja. Since the pure weight of the fruiting tops alone would comfortably fall

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

below the commercial threshold of 20 kgs, and considering the continuous custody since 20.05.2026, he prays for bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police opposes the bail application, stating that the total quantity involved in this case is 20.200 kgs of Ganja, which is technically a commercial quantity. He, however, does not dispute the fact that the seized material is a mixture containing leaves and stalks, and that this Court in a similar case in Crl.O.P.No.17678 of 2026 has already granted bail.

6**.** Heard both sides and perused the materials available on record. Applying the rule laid down by this Court in *Ganesan v. State* and by the Hon'ble Supreme Court in *Rajesh Sahu v. State of Chhattisgarh* which was followed by this Court in its order dated 28.08.2026 in Crl.O.P.No.17678 of 2026 there is a strong probability that if the weight of the leaf stalks, stems, and leaves is excluded, the actual quantity of Ganja tops would fall below the commercial threshold of 20 kilograms. This element of ambiguity regarding the strict applicability of Section 37 of the NDPS Act must operate in favor of the accused for the purpose of granting bail. Considering the individual quantity of 10.100 kgs attributed to this petitioner, the period of custody already undergone by him since 20.05.2026, and the fact that the trial is yet to commence, this Court is inclined to grant bail to the petitioner.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **II Additional Special Court for Exclusive Trial of Cases under NDPS Act cases at Chennai,** and on further conditions that:

[a] the sureties shall affix his photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

[b] the petitioner shall appear before the trial court on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

29.10.2026

kmm

Note:
1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The II Additional Special Court for Exclusive Trial of Cases under NDPS Act cases at Chennai.

2. The Superintendent, Central Prison, Puzhal, Chennai.

3. The Inspector of Police, PEW Redhills, Chennai.

4. The Public Prosecutor,
High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

N.RAMESH

kmm

CRL.O.P.No.28840 of 2026

29.10.2026

https://www.mhc.tn.gov.in/judis